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**OCT 20 2009**

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Patent Application of:

Inventor(s) : Siegel, et al.  
Filed : 9/18/2001  
Application No. : 09/955,397  
Confirmation No. : 1207  
Group Art Unit : 3621  
Examiner : John Winter  
Docket Number : SNY-R4757  
Title : Audio and Video Digital Content Delivery

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**CERTIFICATE OF MAILING / FAX TRANSMISSION**

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Applicant, Assignee or Reg. Representative: Jerry A. Miller, Reg. No. 30779

Signature: /Jerry A. Miller 30779/

Date: 10-20-09

**INTERVIEW SUMMARY**

Sir:

This is to document the telephone conversation with Examiner Winter of 10/12/2009, 10/16/2009 and 10/19/2009. The undersigned spoke with Examiner Winter on these days regarding the outstanding Office Action in the present application. The substance of those discussion is outlined below:

Examiner Winter indicated that the claims should be amended to more closely tie the method to an apparatus per the Bilski case in order to overcome the section 101 rejection.

The 112 issues will be addressed by either cancellation of the relevant claims or

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redrafting them in independent form.

Examiner Winter explained his interpretation that the current claims can be interpreted to read on a system wherein a user pays a subscription fee or contract fee to obtain access to content such as pay-per-view previews, and that this could be interpreted as the first transaction (first usage rule). This is similar to subscribing by contract to a satellite service. The subsequent usage rights could then be interpreted as the actual purchase of Pay-Per-View rights. The undersigned had not considered this interpretation of the claims previously and appreciates the Examiner's insight.

During our final discussion, Examiner Winter indicated that he and his SPE had reviewed the specification and felt that the embodiment spanning pages 9 and 10 distinguished over the art. They proposed that the claims be amended to include the features of a key code used to extract the content obtained under the second set of usage rights. The undersigned consulted with his client and his client has agreed to the amendment, but reserves the right to pursue other claims in a continuation.

The undersigned appreciates Examiner Winter's agreement to working with the undersigned in order to move this application forward and looks forward to working further with Examiner Winter.

Respectfully submitted,

/Jerry A. Miller 30779/  
Jerry A. Miller  
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Dated: 10/19/2009

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